

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Robert Annabel, II,

Plaintiff,

Case No. 20-cv-11114

v.

Judith E. Levy

United States District Judge

Sherman Campbell, *et al.*,

Mag. Judge David R. Grand

Defendants.

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**ORDER DENYING PLAINTIFF'S RENEWED MOTION FOR  
RECONSIDERATION [53]**

Before the Court is *pro se* Plaintiff's Robert Annabel, II's renewed motion for reconsideration dated December 12, 2022. (ECF No. 53.) Previously, Magistrate Judge David R. Grand issued a Report and Recommendation ("R&R") (ECF No. 44) recommending the Court grant in part and deny in part Defendants' motion for partial summary judgment. (ECF No. 36.) On September 29, 2022, the Court issued an order adopting the R&R. (ECF No. 48.) Plaintiff filed a motion for relief from judgment under Federal Rule of Civil Procedure 60(b) that was dated October 5, 2022. (ECF No. 51.) Because the Court's September 29,

2022 order was not a final order, the Court construed Plaintiff's motion as a motion for reconsideration of a non-final order under Eastern District of Michigan Local Rule 7.1(h)(2) in deference to Plaintiff's *pro se* status. (ECF No. 52.) The Court denied Plaintiff's motion for reconsideration because Plaintiff failed to demonstrate that the Court made a mistake in its order adopting the R&R. (*Id.* at PageID.434.) Plaintiff now brings the present renewed motion for reconsideration.<sup>1</sup> (ECF No. 53.)

Plaintiff is not entitled to reconsideration of the Court's September 29, 2022 order. First, Plaintiff's renewed motion for reconsideration is untimely. Under Local Rule 7.1(h)(2), a motion for reconsideration of a non-final order "must be filed within 14 days after entry of the order." E.D. Mich. LR 7.1(h)(2). Plaintiff's motion is dated December 12, 2022 (*see* ECF No. 53) and was therefore filed seventy-four days after the Court's September 29, 2022 order. (*See* ECF No. 48.)

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<sup>1</sup> Plaintiff brings this motion under Federal Rule of Civil Procedure 54(b), but Rule 54(b) does not pertain to reconsideration of or relief from an order. *See* Fed. R. Civ. P. 54(b). Because Plaintiff indicates that his motion is a motion for reconsideration of the Court's September 29, 2022 order (*see* ECF No. 53, PageID.435), the Court will consider his motion under Local Rule 7.1(h)(2) because it seeks reconsideration of a non-final order.

Second, the “Local Rules do not provide that a party is allowed to file multiple motions for reconsideration of an order.” *United States v. Rodgers*, No. 10-20235, 2011 WL 2746196, at \*1 (E.D. Mich. July 14, 2011); *see also Meeks v. Mich. Dep’t of Corr.*, No. 2:19-cv-12506, 2020 WL 6161263, at \*1 (E.D. Mich. Oct. 21, 2020) (citing *Hawkins v. Czarnecki*, 21 F. App’x 319, 320 (6th Cir. 2001)) (“A litigant is not entitled to file multiple subsequent motions for reconsideration once a district court has issued an order denying the initial motion for reconsideration.”). Thus, Plaintiff cannot file a second motion for reconsideration of the Court’s September 29, 2022 order under the local rules.<sup>2</sup>

Accordingly, Plaintiff’s renewed motion for reconsideration (ECF No. 53) is DENIED.

IT IS SO ORDERED.

Dated: April 3, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

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<sup>2</sup> Plaintiff cannot file a motion for reconsideration of the order denying his previous motion for reconsideration either. (ECF No. 52.) Local Rule 7.1(h)(4) provides that “[a] motion to reconsider an order denying a motion for reconsideration may not be filed.” E.D. Mich. LR 7.1(h)(4).

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 3, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager